

63C-4a-403. Plans for R.S. 2477 rights and constitutional defense -- Contents.

- (1) The council may approve an R.S. 2477 plan if the R.S. 2477 plan:
 - (a) provides for a good faith, cooperative effort between the state and each participating county;
 - (b) allows a county to formally agree to participate in the R.S. 2477 plan by adopting a resolution;
 - (c) provides that the state and a participating county are equal partners in determining litigation strategy and the expenditure of resources with respect to that county's rights under R.S. 2477; and
 - (d) provides a process for resolving any disagreement between the state and a participating county about litigation strategy or resource expenditure that includes the following requirements:
 - (i) the governor or the governor's designee and a representative of the Utah Association of Counties shall first attempt to resolve the disagreement;
 - (ii) if the county and the state continue to disagree, the county, the governor, and the Utah Association of Counties shall present their recommendations to the council for a final decision about the strategy or expenditure in question; and
 - (iii) the county may pursue a strategy or make an expenditure contrary to the final decision of the council only if the county does not claim resources provided to fund the R.S. 2477 plan.
- (2) The council shall ensure that the R.S. 2477 plan contains:
 - (a) provisions identifying which expenditure types require approval of the R.S. 2477 plan committee and which expenditure types may be made without the R.S. 2477 plan committee approval;
 - (b) provisions requiring that financial statements be provided to members of the R.S. 2477 plan committee and members of the council, and the frequency with which those financial statements must be provided; and
 - (c) provisions identifying those decisions or types of decisions that may be made by the R.S. 2477 plan committee and those decisions or types of decisions that must be referred to the council for decision.
- (3) (a) The Public Lands Policy Coordinating Office, in consultation with the committee, the Office of the Attorney General and the School and Institutional Trust Lands, shall prepare and submit a constitutional defense plan to the council for the council's approval.
 - (b) The constitutional defense plan shall contain proposed action and expenditure for:
 - (i) the council's or the commission's duties; or
 - (ii) an action filed in accordance with Section 67-5-29.
- (4) The council shall:
 - (a) review expenditures, at least quarterly, made to further a plan approved under this section;
 - (b) approve an update to a plan under this section at least annually, or more often, if necessary; and
 - (c) jointly, with the Public Lands Policy Coordinating Office, present a R.S. 2477 plan approved under this section, with any updates, to:

(i) the Legislature's Natural Resources, Agriculture, and Environment Interim Committee by July 1 of each calendar year, after providing the R.S. 2477 plan to the committee at least seven days before the presentation;

(ii) the commission, which may be by mail; and

(iii) the president of the Senate and the speaker of the House of Representatives, which may be by mail.

Renumbered and Amended by Chapter 101, 2013 General Session